

JOURNAL OF THE HOUSE

EIGHTY-SEVENTH SESSION

THIRTY-FIRST DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, March 1, 2012

The House convened at 10:00 a.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Sarah Goldhammer, followed by the Pledge of Allegiance led by House pages Drew Dennert and Ruth Latterell.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the thirtieth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Val Rausch, Chair

Which motion prevailed.

COMMUNICATIONS AND PETITIONS

February 29, 2012

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on February 29, 2012, I approved House Bills 1019, 1031, 1032, 1047, 1050, 1063, 1065, 1162, 1163, 1172, 1173, and 1233, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Dennis Daugaard
Governor

REPORTS OF CONFERENCE COMMITTEES

Cc141A

MR. SPEAKER:

The Conference Committee respectfully reports that it has considered SB 141 and the amendments thereto made by the House, and the disagreement of the two houses thereon, and recommends that SB 141 be amended as follows:

141jc

On page 1 of the House engrossed bill, delete lines 7 to 13, inclusive, and insert:

"or bodily injury, or the infliction of fear of imminent physical harm or bodily injury between family or household members, or a pattern of abusive behaviors by persons in an intimate relationship such as marriage, dating, or cohabitation. Any violation of § 25-10-13 or chapter 22-19A or any crime of violence as defined in subdivision 22-1-2(9) constitutes domestic abuse if the underlying criminal act is committed between family or household members or persons in an intimate relationship;"

On page 2, line 2, delete "with a person of the opposite sex".

On page 2, line 3, delete "with a person of the opposite sex".

Respectfully submitted,
Tona Rozum
House Committee Chair

Respectfully submitted,
Deb Peters
Senate Committee Chair

Rep. Lust moved that the House do now recess until 11:00 a.m., which motion prevailed and at 10:11 a.m., the House recessed.

RECESS

The House reconvened at 11:00 a.m., the Speaker presiding.

Cc193A

MR. SPEAKER:

The Conference Committee respectfully reports that it has considered SB 193 and the amendments thereto made by the House, and the disagreement of the two houses thereon, and recommends that the Senate do not concur with the House amendments to SB 193 and do appoint a new committee.

Respectfully submitted,
David Lust
House Committee Chair

Respectfully submitted,
Larry Tidemann
Senate Committee Chair

Cc183A

Also MR. SPEAKER:

The Conference Committee respectfully reports that it has considered SB 183 and the amendments thereto made by the House, and the disagreement of the two houses thereon, and recommends that SB 183 be amended as follows:

183rd

On page 1, line 13, of the restored printed bill, delete "upon" and insert "within a reasonable time after".

183rc

On the House Judiciary Committee engrossed bill, delete the House Judiciary Committee amendment, thus restoring the bill to the printed version.

Respectfully submitted,
Jamie Boomgarden
House Committee Chair

Respectfully submitted,
Mike Vehle
Senate Committee Chair

1 CONSIDERATION OF EXECUTIVE VETOES AND RECOMMENDATIONS

2 The House proceeded to the reconsideration of HB 1116 pursuant to the veto of the
3 Governor and the veto message found on page 687 of the House Journal as provided in
4 Article IV, Section 4, of the Constitution of the State of South Dakota.

5 The question being "Shall HB 1116 pass, the veto of the Governor notwithstanding?"

6 And the roll being called:

7 Yeas 68, Nays 2, Excused 0, Absent 0

8 Yeas:

9 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
10 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
11 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
12 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Magstadt; Miller; Moser;
13 Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;
14 Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow;
15 Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Wink; Wismer;
16 Speaker Rausch

17 Nays:

18 Lust; Willadsen

19 So the bill having received an affirmative vote of a two-thirds majority of the members-
20 elect, the Speaker declared the bill passed, the veto of the Governor notwithstanding.

21 MOTIONS AND RESOLUTIONS

22 Rep. Solum moved that the House do concur in Senate amendments to HB 1228.

23 The question being on Rep. Solum's motion that the House do concur in Senate
24 amendments to HB 1228.

25 And the roll being called:

26 Yeas 52, Nays 16, Excused 2, Absent 0

1 Yeas:

2 Abdallah; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;
3 Feickert; Gibson; Gosch; Greenfield; Haggar; Hawley; Hickey; Hoffman; Hubbel; Hunt; Jensen;
4 Kirkeby; Kopp; Liss; Magstadt; Miller; Munsterman; Nelson (Stace); Novstrup (David); Olson
5 (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Scott; Sigdestad; Sly; Solum; Steele;
6 Street; Stricherz; Tulson; Turbiville; Van Gerpen; Vanneman; Venner; White; Wick; Willadsen;
7 Wink; Speaker Rausch

8 Nays:

9 Blake; Elliott; Fargen; Hansen (Jon); Hunhoff (Bernie); Iron Cloud III; Jones; Killer;
10 Kirschman; Kloucek; Lucas; Lust; Schrempp; Tornow; Verchio; Wismer

11 Excused:

12 Feinstein; Moser

13 So the motion having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the motion carried and the amendments were concurred in.

15 ANNOUNCEMENTS

16 The Speaker appointed Reps. Gosch, Cronin, and Fargen as a new committee of three on
17 the part of the House to meet with a like committee on the part of the Senate to adjust the
18 differences between the two houses on SB 77.

19 There being no objection, the House proceeded to Order of Business No. 9.

20 Speaker Pro tempore Gosch now presiding.

21 CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES

22 Rep. Rausch moved that the report of the Conference Committee on SB 157 as found on
23 pages 676 and 677 of the House Journal be adopted.

24 Rep. Kirkeby moved as a substitute motion that the House do not adopt the report of the
25 Conference Committee on SB 157 as found on page 676 and 677 of the House Journal and do
26 not appoint a new committee.

27 The question being on Rep. Kirkeby's substitute motion to not adopt the report of the
28 Conference Committee on SB 157 and to not appoint a new committee.

29 And the roll being called:

1 Yeas 26, Nays 43, Excused 1, Absent 0

2 Yeas:

3 Brunner; Conzet; Dryden; Gosch; Hickey; Hubbel; Hunhoff (Bernie); Jensen; Killer; Kirkeby;
4 Kloucek; Kopp; Liss; Lust; Miller; Olson (Betty); Romkema; Russell; Sly; Steele; Stricherz;
5 Turbiville; Van Gerpen; Venner; Verchio; Wink

6 Nays:

7 Abdallah; Blake; Bolin; Boomgarden; Carson; Cronin; Deelstra; Elliott; Fargen; Feickert;
8 Feinstein; Gibson; Greenfield; Haggar; Hansen (Jon); Hawley; Hoffman; Hunt; Iron Cloud III;
9 Jones; Kirschman; Lucas; Magstadt; Moser; Munsterman; Nelson (Stace); Novstrup (David);
10 Perry; Rozum; Schaefer; Schrempp; Scott; Sigdestad; Solum; Street; Tornow; Tulson;
11 Vanneman; White; Wick; Willadsen; Wismer; Speaker Rausch

12 Excused:

13 Dennert

14 So the motion not having received an affirmative vote of a majority of the members-elect,
15 the Speaker declared the motion lost.

16 The question being on Rep. Rausch's motion that the report of the Conference Committee
17 on SB 157 be adopted.

18 And the roll being called:

19 Yeas 42, Nays 27, Excused 1, Absent 0

20 Yeas:

21 Abdallah; Blake; Bolin; Boomgarden; Carson; Cronin; Deelstra; Elliott; Fargen; Feickert;
22 Feinstein; Gibson; Greenfield; Haggar; Hansen (Jon); Hawley; Hoffman; Hunt; Jones;
23 Kirschman; Kloucek; Lucas; Magstadt; Moser; Munsterman; Nelson (Stace); Novstrup (David);
24 Perry; Rozum; Schaefer; Scott; Sigdestad; Solum; Street; Tornow; Tulson; Vanneman; White;
25 Wick; Willadsen; Wismer; Speaker Rausch

26 Nays:

27 Brunner; Conzet; Dryden; Gosch; Hickey; Hubbel; Hunhoff (Bernie); Iron Cloud III; Jensen;
28 Killer; Kirkeby; Kopp; Liss; Lust; Miller; Olson (Betty); Romkema; Russell; Schrempp; Sly;
29 Steele; Stricherz; Turbiville; Van Gerpen; Venner; Verchio; Wink

30 Excused:

31 Dennert

32 So the motion having received an affirmative vote of a majority of the members-elect, the
33 Speaker declared the motion carried and the report was adopted.

1 Rep. Cronin moved that the House do now recess until 2:00 p.m., which motion prevailed
2 and at 12:21 p.m., the House recessed.

3 **RECESS**

4 The House reconvened at 2:00 p.m., the Speaker Pro tempore presiding.

5 There being no objection, the House reverted to Order of Business No. 6.

6 **REPORTS OF CONFERENCE COMMITTEES**

7 Cc91A

8 MR. SPEAKER:

9 The Conference Committee respectfully reports that it has considered SB 91 and the
10 amendments thereto made by the House, and the disagreement of the two houses thereon, and
11 recommends that SB 91 be amended as follows:

12 91ftc

13 On page 1, line 1, of the printed bill, delete "officers" and insert "shareholders".

14 Respectfully submitted,
15 Hal Wick
16 House Committee Chair

Respectfully submitted,
Al Novstrup
Senate Committee Chair

17 **MESSAGES FROM THE SENATE**

18 MR. SPEAKER:

19 I have the honor to return herewith HCR 1016 in which the Senate has concurred.

20 Also MR. SPEAKER:

21 I have the honor to inform your honorable body that the Senate has concurred in House
22 amendments to SB 25.

1 Also MR. SPEAKER:

2 I have the honor to inform your honorable body that the Senate has adopted the report of
3 the Conference Committee on SB 91.

4 Also MR. SPEAKER:

5 I have the honor to inform your honorable body that the Senate has adopted the report of
6 the Conference Committee on SB 183.

7 Also MR. SPEAKER:

8 I have the honor to inform your honorable body that the Senate has failed to adopt the
9 report of the Conference Committee on SB 193 and no new committee was appointed.

10 Respectfully,
11 Fee Jacobsen, Secretary

12 **MOTIONS AND RESOLUTIONS**

13 Rep. Wink moved that the House do concur in Senate amendments to HB 1137.

14 Rep. Brunner moved as a substitute motion that the House do not concur in Senate
15 amendments to HB 1137 and that a committee of three on the part of the House be appointed
16 to meet with a like committee on the part of the Senate to adjust the differences between the two
17 houses.

18 A roll call vote was requested and supported.

19 The question being on Rep. Brunner's substitute motion that the House do not concur in
20 Senate amendments to HB 1137 and that a committee of three on the part of the House be
21 appointed to meet with a like committee on the part of the Senate to adjust the differences
22 between the two houses.

23 And the roll being called:

24 Yeas 15, Nays 52, Excused 3, Absent 0

25 Yeas:

26 Boomgarden; Brunner; Hubbel; Kirkeby; Kopp; Lucas; Miller; Nelson (Stace); Olson (Betty);
27 Russell; Steele; Tornow; Van Gerpen; Venner; Wick

1 Nays:

2 Abdallah; Blake; Bolin; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Elliott; Fargen;
3 Feinstein; Gibson; Gosch; Greenfield; Haggar; Hawley; Hickey; Hoffman; Hunhoff (Bernie);
4 Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirschman; Kloucek; Liss; Lust; Magstadt; Moser;
5 Munsterman; Novstrup (David); Perry; Romkema; Rozum; Schaefer; Schrempp; Scott;
6 Sigdestad; Solum; Street; Stricherz; Tulson; Turbiville; Vanneman; Verchio; White; Willadsen;
7 Wink; Wismer; Speaker Rausch

8 Excused:

9 Feickert; Hansen (Jon); Sly

10 So the motion not having received an affirmative vote of a majority of the members
11 present, the Speaker declared the motion lost.

12 The question being on Rep. Wink's motion that the House do concur in Senate amendments
13 to HB 1137.

14 And the roll being called:

15 Yeas 61, Nays 6, Excused 3, Absent 0

16 Yeas:

17 Abdallah; Blake; Bolin; Boomgarden; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;
18 Elliott; Fargen; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hawley; Hickey; Hoffman;
19 Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman; Kloucek;
20 Kopp; Liss; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace); Novstrup (David);
21 Olson (Betty); Perry; Romkema; Rozum; Schaefer; Schrempp; Scott; Sigdestad; Solum; Steele;
22 Street; Stricherz; Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White;
23 Willadsen; Wink; Wismer; Speaker Rausch

24 Nays:

25 Brunner; Hubbel; Lucas; Russell; Tornow; Wick

26 Excused:

27 Feickert; Hansen (Jon); Sly

28 So the motion having received an affirmative vote of a majority of the members-elect, the
29 Speaker declared the motion carried and the amendments were concurred in.

1 **CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES**

2 Rep. Hunt moved that the consideration of the Conference Committee report on SB 141
3 be placed to follow SB 183 on today's calendar.

4 Which motion prevailed.

5 Rep. Boomgarden moved that the report of the Conference Committee on SB 183 as found
6 on page 709 of the House Journal be adopted.

7 The question being on Rep. Boomgarden's motion that the report of the Conference
8 Committee on SB 183 be adopted.

9 And the roll being called:

10 Yeas 65, Nays 2, Excused 3, Absent 0

11 Yeas:

12 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
13 Dryden; Elliott; Fargen; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hawley; Hickey;
14 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;
15 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup
16 (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Scott;
17 Sigdestad; Solum; Steele; Street; Stricherz; Tulson; Turbiville; Van Gerpen; Vanneman;
18 Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

19 Nays:

20 Nelson (Stace); Tornow

21 Excused:

22 Feickert; Hansen (Jon); Sly

23 So the motion having received an affirmative vote of a majority of the members-elect, the
24 Speaker declared the motion carried and the report was adopted.

25 Speaker Rausch now presiding.

26 Rep. Rozum moved that the report of the Conference Committee on SB 141 as found on
27 page 708 of the House Journal be adopted.

28 Rep. Hunt moved as a substitute motion that the House do not adopt the report of the
29 Conference Committee on SB 141 as found on page 708 of the House Journal and do not
30 appoint a new committee.

The question being on Rep. Hunt's substitute motion to not adopt the report of the Conference Committee on SB 141 and to not appoint a new committee.

And the roll being called:

Yeas 39, Nays 25, Excused 6, Absent 0

Yeas:

Bolin; Boomgarden; Brunner; Conzet; Cronin; Dryden; Gosch; Greenfield; Haggar; Hansen (Jon); Hickey; Hoffman; Hubbel; Hunt; Jensen; Kirkeby; Kloucek; Kopp; Liss; Miller; Moser; Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Romkema; Russell; Schaefer; Scott; Solum; Steele; Tornow; Tulson; Van Gerpen; Vanneman; Venner; Verchio; Wick; Willadsen

Nays:

Abdallah; Blake; Deelstra; Dennert; Elliott; Fargen; Feinstein; Gibson; Hawley; Hunhoff (Bernie); Iron Cloud III; Killer; Kirschman; Lucas; Lust; Magstadt; Perry; Rozum; Schrempp; Sigdestad; Street; Stricherz; Turbiville; Wismer; Speaker Rausch

Excused:

Carson; Feickert; Jones; Sly; White; Wink

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried, the report was not adopted, and no new committee was appointed.

There being no objection, the House reverted to Order of Business No. 8.

MOTIONS AND RESOLUTIONS

Rep. Lust moved that when we adjourn today, we adjourn to convene at 10:30 a.m. on Friday, March 2, the 32nd legislative day.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that HB 1046, 1058, 1096, 1186, 1189, and 1206 were delivered to his Excellency, the Governor, for his approval at 2:00 p.m., March 1, 2012.

1 Also MR. SPEAKER:

2 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
3 and Enrolling has carefully compared HB 1137, 1228, and 1234 and finds the same correctly
4 enrolled.

5 Respectfully submitted,
6 Val Rausch, Chair

7 **SIGNING OF BILLS**

8 The Speaker publicly read the title to

9 HB 1137: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act
10 for fiscal year 2012 and to declare an emergency.

11 HB 1228: FOR AN ACT ENTITLED, An Act to provide tax refunds for certain energy
12 projects.

13 HB 1234: FOR AN ACT ENTITLED, An Act to provide incentives to teach in critical
14 need areas, to provide for rewards for the best teachers and those teaching in math and science
15 subject areas, to revise certain provisions regarding evaluation of teachers, to create a system
16 for evaluating principals, to distinguish between tenured and nontenured teachers, to revise
17 certain provisions regarding the employment of teachers, and to repeal provisions regarding the
18 teacher compensation assistance program.

19 SB 157: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to outdoor
20 advertising signs.

21 And signed the same in the presence of the House.

22 Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at
23 3:34 p.m. the House adjourned.

24 Karen Gerdes, Chief Clerk